

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

RAY HARVISON,

Plaintiff,

v.

No. 1:22-cv-01106-JDB-jay

STATE OF TENNESSEE,

Defendant.

---

ORDER ADOPTING REPORT AND RECOMMENDATION,  
REMANDING ACTION TO THE CIRCUIT COURT OF MADISON COUNTY,  
TENNESSEE,  
AND  
CERTIFYING THAT APPEAL WOULD NOT BE TAKEN IN GOOD FAITH

---

On May 26, 2022, the Plaintiff in this case, Ray Harvison, filed a pro se "Notice of Removal" of a matter from the Circuit Court of Madison County, Tennessee. (Docket Entry ("D.E.") 1.) In an order entered July 6, 2022, Plaintiff was granted leave to proceed in forma pauperis. (D.E. 7.) In accordance with Administrative Order No. 2013-05, the lawsuit was referred to the assigned magistrate judge, Jon A. York, for management of all pretrial matters. In a report and recommendation entered March 9, 2023, Judge York recommended that this matter be remanded to the state court. (D.E. 8.) No objection to the report and recommendation has been filed, and the time for such objection has expired. Having reviewed the report and recommendation and the entire record, the Court hereby ADOPTS the report. This matter is therefore REMANDED to the Circuit Court of Madison County, Tennessee.

Title 28 U.S.C. § 1915(a)(3) provides that an appeal may not be taken in forma pauperis if the trial court certifies in writing that an appeal would not be taken in good faith. The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). An appeal is

not taken in good faith if the issue presented is frivolous. *Id.* The same considerations that lead this Court to issue the instant ruling also compel it to conclude that an appeal by Plaintiff would not be taken in good faith.

It is therefore CERTIFIED, pursuant to § 1915(a)(3), that an appeal by Plaintiff in this matter would not be taken in good faith. Plaintiff may, however, apply to proceed in forma pauperis in the court of appeals.

IT IS SO ORDERED this 29th day of March 2023.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE